

court an information against Master Drugs, Inc., a corporation, and William C. Kalash and John E. Von Dorn, officers of said corporation, whose principal place of business was Omaha, Nebr., charging shipment by said defendants in violation of the Food and Drugs Act on or about February 26, 1935, from the State of Nebraska into the State of Missouri of a quantity of an article labeled "Commanders", in the form of gelatin capsules contained in bottles enclosed in cartons, which was adulterated and misbranded.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented on the cartons and bottle labels and in an enclosed circular that it contained all six essential vitamins, namely, vitamins A, B, C, D, E, and G, in concentrated form, and that said vitamins were combined in "harmonious proportions" and that each capsule of the article was equivalent in vitamin content to 1 spoonful of cod-liver oil, one cake of yeast, one orange, and 2 pounds of whole wheat, and that one capsule of the article was equal to many pounds of ordinary food rich in vitamins; whereas in fact the article did not contain vitamin C, and it contained only an insignificant amount of vitamin B, and each of the capsules was not equivalent in vitamin content to 1 spoonful of cod-liver oil, one cake of yeast, one orange, and 2 pounds of whole wheat, and the vitamin content of each of the capsules was not equal to that of many pounds of food rich in vitamins.

The article was alleged to be misbranded in that the statements, "Commanders * * * Containing All Six Essential Vitamins A-B-C-D-E-G In Concentrated Form", borne on the cartons, and the statement, "Commanders contain all six of the Vitamins A-B-C-D-E-G in concentrated form", borne on the bottle labels and the statements, "Commanders combine the six vitamins, A-B-C-D-E and G in harmonious proportions * * * Each Commander is equivalent in vitamin content to one spoonful Cod Liver Oil, one cake of yeast, one orange, two pounds of whole wheat * * * Many pounds of ordinary food, rich in vitamins, would be required to equal the vitamin content of one Commander", contained in a circular enclosed in the carton, were false and misleading.

On July 28, 1936, upon trial of the case before the court, jury having been waived, the court found the defendants guilty and imposed a fine of \$400.

W. R. GREGG, *Acting Secretary of Agriculture.*

26735. Misbranding of Solution of Genuine Doyle Chlorinometer Gas, Universal Brand Pain Expeller, Universal Brand Liniment, Laxative Cold and Grippe Breakers, Dr. Hobb's Sparagus Kidney Pills, Prof. Hoff's Prescription, Eilert's Daylight Family Liver Pills, Kalamazoo Celery Nervine Blood and Liver Pills or Dunkley's "Celerytone" Pills, Dr. Hobb's Nerve Tonic Pills, Knill's Black Diarrhea "Blackberry Compound" Pills, Dr. John W. Bull's Celebrated Pills, Dexter Ointment, Schuh's Home Made Anti-Bilious Stomach and Liver Pills, and Colorado Cough and Catarrh Root. U. S. v. Chicago Drug Sales, Inc., and Max B. Decker. Pleas of guilty. Fine, \$25. (F. & D. no. 37023. Sample nos. 32617-B, 32619-B to 32622-B, incl.)

The package or label of each of the above-named articles bore or contained false or fraudulent representations regarding its curative or therapeutic effects.

On June 23, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Chicago Drug Sales, Inc., a corporation, Chicago, Ill., charging shipment by said corporation in violation of the Food and Drugs Act on or about August 9, 1935, from the State of Illinois into the State of Missouri of a quantity of Solution of Genuine Doyle Chlorinometer Gas, Universal Brand Pain Expeller, Universal Brand Liniment, Laxative Cold and Grippe Breakers, Dr. Hobb's Sparagus Kidney Pills, Prof. Hoff's Prescription, Eilert's Daylight Family Liver Pills, Kalamazoo Celery Nervine Blood and Liver Pills or Dunkley's "Celerytone" Pills, Dr. Hobb's Nerve Tonic Pills, Knill's Black Diarrhea "Blackberry Compound" Pills, Dr. John W. Bull's Celebrated Pills, Dexter Liniment, Schuh's Home Made Anti-Bilious Stomach and Liver Pills, and Colorado Cough and Catarrh Root each of which articles was misbranded.

Analysis of the Solution of Genuine Doyle Chlorinometer Gas showed that it consisted of chlorine dissolved in carbon tetrachloride. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the box labels, falsely and fraudulently represented that it would be effective as a treatment for whooping cough, influenza, laryngitis, and other respiratory diseases.

Analysis of the Universal Brand Pain Expeller showed that it consisted essentially of ammonia, a pungent principle such as capsicum, a small proportion of volatile oil, alcohol, and water. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the bottle labels and cartons, falsely and fraudulently represented that it would be effective as a pain expeller and as a remedy for rheumatism, neuralgia, sprains, stiff joints, lame back, cramps, pains, backache, and gout; and effective to relieve pain.

Analysis of the Universal Brand Liniment showed that it consisted essentially of an ammonium soap, volatile oils including camphor, alcohol, and water. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the bottle labels and cartons, falsely and fraudulently represented that it would be effective to relieve rheumatism, pain, sciatica, inflammation, lameness, backache, cramps, stiffness of muscles and joints, and other external pains.

Analysis of the Laxative Cold and Grippe Breakers showed that they contained acetanilid, starch, and resinous plant material, and calcium carbonate as a coating. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the boxes and in a circular enclosed therein, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for grippe, and effective as a relief for la grippe.

Analysis of Dr. Hobb's Sparagus Kidney Pills showed that they contained plant material including juniper berries. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the box labels and in a circular enclosed therein, falsely and fraudulently represented that the article would be effective as a treatment, remedy, and cure for kidney and bladder troubles, cystitis, nephritis, sleeplessness, nervousness, congestion of the kidneys, blood troubles such as gout, rheumatism, sallow complexion, anemia, chlorosis, nervous headache, dizziness, hysteria, neuralgia, Bright's disease, diabetes, bladder trouble, dropsy, enlarged joints, skin diseases, and chronic languor; effective as a specific for all kidney and blood disorders; effective as a filter for the blood; effective as a cure for kidney troubles; effective as a preventive and household remedy for kidney troubles; effective as a cure for poison in the blood caused by kidney troubles; effective as a cure for all diseases caused by sick kidneys; effective as a treatment, remedy, and cure for symptoms of kidney troubles such as a pain in the back, headache, nervousness, frequent thirst, hot and dry skin, shortness of breath, evil forebodings, troubled sleep, puffiness of the eyelids, swelling of the feet and ankles, loss of flesh, dark-colored urine with deposits of casts; effective as a treatment for inflammation or congestion of the kidneys; effective to prevent Bright's disease; effective as a cure for pimples, eruptions, sores and skin diseases caused by impure blood, anemia, chlorosis or green sickness, pale and sallow complexion and all the sicknesses caused by poor thin blood; dropsical swellings, gravel, cystitis; and all diseases of the urinary organs; and effective to remove all poisonous matter from the blood.

Analysis of Prof. Hoff's Prescription showed that it consisted essentially of a small proportion of an arsenic compound and water, flavored with oil of cinnamon. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the bottle labels and cartons and in a booklet enclosed in the cartons, falsely and fraudulently represented that the article would be effective as a treatment, remedy, and cure for asthma, catarrh, bronchitis, hay fever, pulmonary tuberculosis, chronic coughs, consumption, rose fever, bronchial asthma, catarrhal bronchitis, bronchial catarrh, influenza, la grippe, and epidemic catarrh.

Analysis of Eilert's Daylight Family Liver Pills showed that it contained plant material including a laxative plant drug. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the carton labels and in a circular wrapped around each carton, falsely and fraudulently represented that the article would be effective as a cure for all fevers, liver complaints, dyspepsia, impurities of the blood, jaundice, pains in the head, breast, side, limbs, and back, all female complaints, biliousness, indigestion, headache, indisposition, affections of the kidneys, nervousness, piles, and chronic difficulties.

Analysis of the article Kalamazoo Celery Nervine Blood and Liver Pills or Dunkley's "Celerytone" Pills showed that it contained plant material including a laxative plant drug and an alkaloid-bearing drug. Said article

was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the bottle labels, on wrappers enclosing the bottles, and in a circular enclosed with the bottles, falsely and fraudulently represented that the article would be effective as a treatment, remedy, and cure for affections of the nerves, blood, liver, and kidneys, of the stomach, genital organs, bowels, biliousness, sick headache, backache, nervous prostration, dyspepsia, rheumatism, insomnia, impotency, irregular or painful menstruation, and all troubles arising from irregularities of the stomach; effective as a nervine; and effective to strengthen and renew the nervous system, to cleanse the blood, and to give renewed activity to the liver and kidneys.

Analysis of Dr. Hobb's Nerve Tonic Pills showed that they contained phosphorus, an iron compound, and plant material including an alkaloid-bearing drug. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the bottle labels and in a booklet wrapped around each bottle, falsely and fraudulently represented that the article would be effective as a nerve tonic, as a blood purifier, and as a nervine; effective to enrich the blood and strengthen the nerves; effective to give the body the spring and elasticity of youth, and to drive out melancholy; effective as a brain food and muscle invigorator; effective to build up the waste places, and to make the weak strong and vigorous; effective to restore vital power and lost manhood; effective as a treatment, remedy, and cure for anemia, nervous headache, palpitation of the heart, fluttering, trembling, hysteria, nervousness of any form, pain in the back and other female complaints, nervous weakness and prostration, neuralgia, leucorrhea and female weakness; and effective to keep the blood pure, to banish pimples and blotches from the skin, and to insure a clear complexion.

Analysis of Knill's Black Diarrhea "Blackberry Compound" Pills showed that they contained plant material including an alkaloid-bearing drug, a laxative drug, and camphor. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the bottle labels and wrappers enclosing the bottles, falsely and fraudulently represented that the article would be effective as a cure for black diarrhea, chronic dysentery, cholera, cholera morbus, and all pains of the stomach and bowels. Said article was alleged to be misbranded further in that the statement "Blackberry Compound", borne on the label, was false and misleading since it contained no blackberry.

Analysis of Dr. John W. Bull's Celebrated Pills showed that they contained plant material, including an alkaloid-bearing drug, and camphor. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the bottle labels and on wrappers enclosing the bottles, falsely and fraudulently represented that the article would be effective as a treatment, remedy, and cure for impure blood, blood poverty, general debility, nervousness, various female complaints, liver complaints, malaria, biliousness, spring fever, liver diseases, kidney diseases, indigestion, dyspepsia, loss of appetite, sick stomach, sick headache, fevers, skin eruptions, jaundice, and affections of the bladder and kidneys; effective as a treatment, remedy, and cure for ailments of the blood, stomach, liver, and bowels, and as a nonfailing remedy for anemia, dimness of sight, bad complexion, pains in the head, back, loins, side, or stomach; and effective to insure good health and to keep the blood pure.

Analysis of the Dexter Liniment showed that it consisted essentially of phenols, essential oils including oil of origanum and oil of hemlock, and kerosene. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the bottle labels, on wrappers enclosing the bottles, and in a circular enclosed in each of the wrappers, falsely and fraudulently represented that the article would be effective as a treatment, remedy, and cure for fresh wounds, cramps, pains, broken breasts, diphtheria, all lameness, swellings, rheumatism, old sores, weakness of joints, contraction of muscles, deep cuts, hemorrhoids, or piles, fistula, lame back, and stiff joints; and effective as a treatment, remedy, and cure for calks, garget, sand cracks, sweeney, grease, poll evil, poisons of all kinds, foot rot, and cracked heels in animals.

Analysis of Schuh's Home Made Anti-Bilious Stomach and Liver Pills showed that they contained extracts of plant drugs including a laxative drug. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the box labels and in a circular enclosed in the boxes, falsely and fraudulently represented that the article would be

effective as a treatment, remedy, and cure for biliousness and ailments of the stomach and liver, sick headache, intermittent and remittent fevers, piles, indigestion, colic, jaundice, dropsy, dyspepsia, heartburn, dysentery, diseases of the liver, kidneys, and bladder, eruptions of the skin, nervousness and all disorders that arise from a diseased liver or from impure blood; and effective as a treatment, remedy, and cure for torpid liver, vertigo and swimming in the head, bilious attacks, chills and fever, and worms.

Analysis of the Colorado Cough and Catarrh Root showed that it consisted essentially of plant material bearing evidence of insect infestation. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the box labels, on wrappers enclosing the boxes, and in a circular enclosed in each of the wrappers, falsely and fraudulently represented that the article would be effective as a remedy for all coughs, catarrh, catarrh in the throat, bronchial affections, bronchitis, asthma, all throat, lung, and stomach troubles, dyspepsia, toothache, all nervous and blood complaints, hoarseness, sore throat, nasal catarrh, trouble in breathing, neuralgia, headache, consumptive cough, la grippe, and pneumonia; effective as a nerve and blood tonic; effective to cleanse and purify the blood and to restore the health; and effective to allay all nervous troubles, to keep the system in a healthful condition, to stimulate, strengthen, warm up, and impart new life and vigor to the system, and to cure disease.

On October 13, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

26736. Misbranding of Erie Drug Co. Croup and Pneumonia Salve, Palmer's Compound Carbolic Salve, Sterling Vapor and Rubbing Salve, Sterling Aromatic Spt. Ammonia, Quinlax Laxative Quinine Tablets, Dr. Doll's Root and Herb Tea, Solvuric Buchu and Juniper Comp. Pills, Sterling Comp. Extract Smartweed, Burn Ease for Sunburn, and White Pine Cough Syrup; adulteration and misbranding of Sterling Antiseptic Solution and Erie Drug Co. Vanillo. U. S. v. Erie Drug Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 37028. Sample nos. 44314-B, 44315-B, 44319-B, 51810-B, 51817-B, 51818-B, 51821-B to 51824-B, incl., 51826-B, 51827-B.)

The labels of each of the above-named articles contained false and fraudulent representations regarding its curative or therapeutic effects. The package of Palmer's Compound Carbolic Salve also bore a false and misleading representation with respect to its antiseptic property. The designation of the Solvuric Buchu and Juniper Comp. Pills as such, on the label, was a false and misleading representation of the composition of the article. The label of the Sterling Antiseptic Solution bore a false and misleading representation that it was antiseptic and a germ killer. The label of the Erie Drug Co. Vanillo bore a false and misleading representation that it was a vanilla product and an extract of vanilla, and the package failed to bear a statement of the quantity of the contents.

On September 9, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Erie Drug Co., a corporation, Erie, Pa., charging shipment by it in violation of the Food and Drugs Act, on or about June 22, August 3, September 6 and 24, 1935, from the State of Pennsylvania into the State of New York, of quantities of the articles named above. The information alleged that each of said articles was misbranded, and that each of the last two mentioned also was adulterated.

Analysis of the Erie Drug Co. Croup and Pneumonia Salve showed that it consisted essentially of volatile oils (approximately 10 percent) including methyl salicylate, camphor, and menthol, incorporated in a petrolatum base. Said article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, appearing on the label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for croup, pneumonia, bronchitis, cold in the chest, congestion, lumbago, pleurisy, rheumatism, stiff neck, and sore throat.

Analysis of Palmer's Compound Carbolic Salve showed that it consisted essentially of phenol (0.7 percent), volatile oils including menthol, and a small proportion of zinc oxide, in a lanolin base. The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects borne on the label, falsely and fraudulently represented that it was effective to heal wounds, sores, piles, ulcers, eczema, and all skin diseases. Said article was alleged to be misbranded further in that the statement "Antiseptic Oint-